

## **REMARKS**

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-29, and 31-40 are presently pending. Claims amended herein are 1, 9, 14-17, 19, 23, 31-34, 37, and 39-40. Claims withdrawn or cancelled herein are claim 30 (cancelled). New claims added herein are none.

### **Statement of Substance of Interview**

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on 12/21/2007. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Davis. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. For example, the Examiner indicated that clarification regarding “security settings” distinguished independent claims 1, 14, 19, and 31 over the “element definitions” of the cited art, namely Davis. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone. Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments and Additions**

[0009] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 9, 14-17, 19, 23, 31-34, 37, and 39-40 herein.

[0010] All amendments are fully supported by the Application and therefore do not constitute new matter. For example, claim language amended to clarify independent claims 1, 14, 19, and 31 find support at least on page 5, paragraph [0018] and page 6 paragraph [0021].

[0011] Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to cited art. These claim amendments are fully supported by the application and therefore do not constitute new matter.

## **Formal Matters**

**[0012]** This section addresses any formal matters (e.g., objections) raised by the Examiner.

## **Claims**

**[0013]** The Examiner objects to claims 17 and 23 for lack of a terminal period, and claims 9, and 37 for use of the word “securitizing.” Herein, Applicant amends these claims, as shown above, to comply with the Examiner’s request.

## **Substantive Matters**

### **Claim Rejections under § 112**

[0014] Claims 31-40 are rejected under 35 U.S.C. § 112, 2nd ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Claim Rejections under § 101**

[0015] Claims 13, 18, 19-29, and 30-40 are rejected under 35 U.S.C. § 101. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0016] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

## **Anticipation Rejections**

[0017] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.<sup>1</sup> Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.<sup>2</sup>

### **Based upon Davis**

[0018] The Examiner rejects claims 1-11, 13-15, 17, 18-27, and 29-39 under 35 U.S.C. § 102(e) as being anticipated by Davis (U.S. Patent 6,931,532). Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

#### *Independent Claims 1, 14, 19, and 31*

[0019] The Examiner indicates (Action, p. 5) that independent claims 1, 14, 19, and 31 have been rejected as being anticipated by Davis. Herein, Applicant amends each of these independent claims similarly to clarify that the first set of security information is comprised of security settings. For example Claim 1 is amended as follows:

“... selecting a first set of security information from a first plurality of sets of security information as a function of a property of the message, wherein the first set of security information comprises security settings;

selecting a second set of security information from a second plurality of sets of security information as a function of the first set, wherein the second set of security information comprises security settings; and...”

---

<sup>1</sup> “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

<sup>2</sup> See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

[0020] In this Action, the Examiner has equated the “element definitions” of Davis with “security information.” As agreed during the interview on 12/21/2007, Davis’s “element definitions” are not security information as claimed. By Davis’s broadest definition, “element definitions” do not comprise security settings. Davis explicitly defines “element definitions” as being subject matter identifiers in the original document, which are stored in the DTD. These identifiers are then mapped *to* policy enforcement objects, (Col. 14 ll. 33-38 and Col. 20 ll. 38-44). The fact that Davis necessitates linking this information within the DTD (to policy enforcement objects) makes it clear that these two things are distinct (Col. 6 ll.19-50).

[0021] Consequently, Davis does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

*Dependent Claims 2-13, 15-18, 20-29, and 32-40*

[0022] These claims ultimately depend upon independent claims 1, 14, 19, and 31 respectively. As discussed above, all the independent claims are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Obviousness Rejections**

### **Lack of Prima Facie Case of Obviousness (MPEP § 2142)**

Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

*Based upon Davis and Hartman*

**[0023]** The Examiner rejects dependent claims 12, 16, 28 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Hartman (US Patent 6,807,636). Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0024]** In view of the arguments presented previously, with regard to Davis alone, Applicant submits that the combination of Davis and Hartman, even if it were proper, does not correct the deficiency of the independent claims, upon which these claims rely. Applicant notes that the Examiner has not relied on Hartman to do so. In addition to its own merits, each dependent claim is then allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0025] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact me before issuing a subsequent Action. Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 12/28/2007

By: 

Randall Palmer  
Reg. No. 61440  
(509) 324-9256 x261  
[randy@leehayes.com](mailto:randy@leehayes.com)  
[www.leehayes.com](http://www.leehayes.com)

My Assistant: Carly Bokarica  
(509) 324-9256 x264  
[carly@leehayes.com](mailto:carly@leehayes.com)